

By WILLIAM BRADFORD HUIE

The One and Only

JAMES EARL RAY REALLY BELIEVED THAT KILLING MARTIN LUTHER KING WOULD MAKE HIM A NATIONAL HERO. THE DAMN FOOL DID IT, AND HE DID IT ALONE.

To those of us who know that James Earl Ray, alone, killed Dr. Martin Luther King, Jr. in Memphis, Tennessee, on April 4, 1968, the current congressional "investigation" of this nine-year-old murder case is a shameful waste of public money and a contemptible concession to the conspiracy racket.

When I say "those of us who know," I speak of Ramsey Clark, who was attorney general of the United States when Ray killed King; and of Percy Foreman, who was one of Ray's attorneys; and of myself. I bought Ray's story and the right to portray him in films, and, with Ray's

assistance, worked on his story until March 10, 1969, when he pleaded guilty and was sentenced to 99 years in the Tennessee state penitentiary. Clark, Foreman and I are Southerners who supported King and the movement for racial change in the South. Our credentials for finding truth in racial murder cases are far superior to those of any of the congressmen or any of the 170 bureaucrats who are to be profitably "investigating" this case for two years. If Clark, Foreman and I can't be believed in the Ray case, then no one can.

An "investigating" congressman tells us on television, "We must remember that Ray quickly rescinded

William Bradford Huie is the author of a number of books, including *The Klansman*, *The Execution of Private Slovik*, *The Americanization of Emily*, and *He Stew the Dreamer: My Search for the Truth about James Earl Ray and the Murder of Martin Luther King*.

ILLUSTRATION BY JOHN YOUSSEI



his guilty plea!"

You think that's significant, do you, Congressman? You think Ray's rescinding his plea justifies an expensive new investigation? Nonsense.

When he was preparing to kill Martin Luther King, Ray believed that the murder would make him a hero to most Americans; that famous lawyers would volunteer to defend him at their own expense; that a jury probably would not convict him; that if a jury did pronounce him guilty he'd soon be freed by President George Wallace; and that his "story" in a book and a film would be worth "millions."

After the murder Ray was jolted by a series of disappointments.

When he was arrested in London on June 8, 1968, he expected the famous lawyers to begin volunteering to defend him. But only one lawyer volunteered, and he wasn't famous. He was J.B. Stoner, of Savannah, Georgia, long associated with the Ku Klux Klan. And not even Stoner wanted to defend Ray for the honor and the publicity in it. Stoner wanted to defend him while raising a "national defense fund."

Ray then asked his court-appointed British lawyer to call F. Lee Bailey in Boston and convey to him the good news that Ray wanted Bailey to defend him. When Bailey told Ray, in effect, to go to hell, Ray was flabbergasted. In desperation he was reduced to calling a capable lawyer but not a famous one, Arthur Hanes, of Birmingham, who had defended the Klansmen who murdered Viola Liuzzo on the last day of the Selma march. Hanes went to London, agreed to defend Ray, but not until Ray had sold his story and film rights to me for an advance to Hanes of \$30,000. (The cash went to Hanes because Ray couldn't keep money or have money owed to him. Any money coming to him had to be "protected" by a lawyer's lien. Otherwise it could be seized in a civil action by King's widow. Ray didn't need to be told this. Like Caryl Chessman he had spent years studying law in prison libraries.) Only by dealing with me did Ray escape the ignominy of his having to be defended in Memphis by the public defender.

During the fall of 1968, Hanes, after pleading Ray not guilty at the arraignment, was preparing for trial. Look magazine, and other magazines

abroad, published two installments of my "pre-trial" Ray story. What I wrote pleased Ray for I presented his account of how he escaped from the Missouri state prison on April 23, 1967, and of how he lived, got money, altered his appearance with plastic surgery, and traveled as a fugitive until March 31, 1968.

I had agreed that only after Ray had been tried and sentenced would I publish my account of how and why King had been murdered. Before the trial I would publish only what Ray wanted published. After his trial and sentencing I would publish only the truth as I saw it. Ray, in return for my advancing money for his defense, had contracted to furnish me, directly and through his lawyers, the entire truth.

When he was preparing to kill Martin Luther King, Ray believed that the murder would make him a hero to most Americans...

Ray was pleased with his contract with me. What continued to distress him as his trial approached was that he didn't have a famous lawyer. He was angrier still when, after Sirhan killed Robert Kennedy, famous lawyers volunteered to defend Sirhan. Wasn't Ray more important than Sirhan? Ray wrote to me that he deserved to be defended by "a battery of famous lawyers." At Ray's insistence his brothers kept trying to employ Foreman, and in November 1968, Ray eagerly dismissed Hanes and employed Foreman by transferring from one man to the other further prospective monies from his book and film deal with me. Ray assured Percy Foreman that his portion of the earnings from the book and film would be "a minimum of \$400,000." At Ray's insistence I advanced to Foreman \$10,000 against Ray's anticipated earnings.

Red Cents and Wooden Nickels

By the middle of February 1969, Ray's trial had been scheduled to begin on March 10. Foreman couldn't get it postponed again. I had completed my investigation, so it was time for me to jolt Ray with another disappointment. "Your story is

worthless," I told him. "Eight months ago, on Meet the Press, Attorney General Ramsey Clark said there was no evidence that anyone other than James Earl Ray was involved in the murder of Dr. King. Mr. Hanes, Mr. Foreman and I, with your help, have tried to find evidence that someone else was involved. All we have done is corroborate Mr. Clark's statement."

The most ironic experience of my writing career was my effort to make Ray and his brothers understand that my book about him could not be sold, and that therefore no film about Ray was ever likely to be made, because Ray alone had murdered King!

My publishers, in the United States and in Europe, wanted me to deliver a book titled *They Slew the Dreamer* (from the Biblical story of Joseph: "And they said one to another, Behold, this dreamer cometh. Come now therefore, and let us slay him ... and we shall see what will become of his dreams"). Now I had informed my publishers that my title could only be *He Slew the Dreamer*. We knew, furthermore, that though I could write the book effectively, and they could publish it handsomely, it wouldn't sell. Nor would anyone want the film rights. Ray was so naive as to think that the story of how he slew the dreamer was bound to be a big book and film. He couldn't understand that what book readers and film viewers want is conspiracy... how a cabal of rich, cruel racists conspired to murder a famous man they hated... or even better, how the FBI or the CIA conspired to end the dreams of Martin Luther King.

"A trial can be helpful only if you tell the truth," I said to Ray. "The state's case against you has already been published. None of it can be refuted. A plea of guilty by you will assure the commercial failure of our book. But it can sell only a few thousand copies anyway. I hope you'll stand up in court and tell the truth. You won't be widely believed. But you will have told the truth." In telling the court how he alone murdered Dr. King, Ray did tell the truth. Only once did he lie. At the end of his statement he blurted out, "... but there was a conspiracy!"

I felt sorry for him when he said that. He had learned from me that the only way he could keep anybody interested in him from that point on was to use that "selling" word, con-

spiracy

spiracy. To keep himself from being forgotten he would now have to deny that he had ever been a hero whose story was worth millions and who deserved to be defended by F. Lee Bailey, Percy Foreman and a battery of other famous lawyers. He would have to insist that in the killing of the "Big Nigger" he didn't fire the shot...he didn't know what was going on...he was only a dunce who had been set up as a patsy or a fall guy by clever professional killers who were paid \$250,000 by H.L. Hunt or J. Edgar Hoover.

Both Foreman and I knew that Ray's plea of guilty would be rescinded when Foreman ceased to be his attorney and Stoner became Ray's attorney of record. Neither Hanes nor Foreman would allow Stoner to associate with them in Ray's defense. But the trial judge had allowed Stoner unlimited access to Ray during all the months when Hanes and Foreman were Ray's attorneys of record.

Except by having Ray rescind his plea of guilty, how could Stoner use Ray to seek publicity for himself? Stoner began seeking publicity by charging Hanes, Foreman and me with conspiring to violate Ray's civil rights. This suit, dismissed with prejudice by the US District Court, nevertheless went to the US Supreme Court, all at no cost to Stoner because Ray was a pauper. But it cost me \$15,000 to have the Supreme Court rule that I had violated none of Ray's rights, and that I own his story and film rights.

So how's that again, Congressman? We're not to forget that Ray rescinded his plea of guilty?

I'm not likely to forget it, since Ray, the pauper, sues me every year for violating some claimed right of his. It costs me about a thousand dollars a year to get his suits dismissed. I expect to be paying that thousand dollars a year for the rest of my life. For how else can Ray compel attention to be paid to him? How else can he busy himself as a "jailhouse lawyer"? How else can he keep his case under investigation by publicity-seeking congressmen, bureaucrats, and conspiracy racketeers?

Revelations

The excuse for this "new investigation," we are told, is the revelation that J. Edgar Hoover despised King; that John and Robert Kennedy, having

made a political investment in King, ordered the FBI to "bug" him and see that his sexual and ideological conduct didn't embarrass them; and therefore the FBI may have murdered King or have been less than zealous in seeking to identify his "real" murderers.

Now congressmen and bureaucrats want to spend perhaps \$13 million to learn what "really" happened. Meanwhile, here are facts from which any thoughtful citizen can see for himself what "really" happened:

When King was killed, how could any rational American have concluded that the killer was a hireling? James Earl Ray left at the scene of the murder a recently purchased rifle, scope and binoculars, all bearing his

I had completed my investigation, so it was time for me to jolt Ray with another disappointment. "Your story is worthless," I told him.

fingerprints, and a transistor radio he had bought in the Missouri state prison at Jefferson City and into which his prison identification number was engraved.

Mr. Foreman asked Ray, "Boy, why in the hell did you leave that transistor radio that had your prison number cut in it?"

Ray replied triumphantly, "I wanted the boys at Jeff City to know I did it!"

While they are wasting those millions on their "new investigation," the congressmen and bureaucrats should have Ray's honest reply to Foreman enlarged, framed and displayed on Capitol Hill.

Consider the time of day, the place, the weapon and the year of King's murder. It was daylight; in a place where King was being guarded. The weapon was a rifle, which usually leaves ballistic evidence, not a shotgun, which leaves none; and the year was 14 years after King became a world-famous leader of the civil rights movement!

During those 14 years King would have been easy to kill. He went in and out of his home unguarded. In either Montgomery or Atlanta I could have

waited in darkness outside his house with a shotgun, and I could have killed him and had an excellent chance of never being identified. For a thousand dollars I could have hired an experienced killer to do it.

King was hated far more virulently in 1955, or 1961 or 1965, than he was in 1968 when he was past his prime and rapidly losing influence in the civil rights movement. If any wealthy man or men or J. Edgar Hoover himself had wanted King killed, wouldn't they have killed him sooner? By 1968 he was a loser. The garbage workers in Memphis had lost their struggle for union recognition and higher pay because King was trying to help them. The garbage workers won only after and because King was killed. It was James Earl Ray who enabled the garbage workers to win.

As for J. Edgar Hoover, the Kennedys, King and sex, King's sexual track record matched that of John F. Kennedy. They both exercised often with assorted maids, wives and widows. I once mentioned to King that such conduct by a candidate for sainthood might be used against him by his detractors. He indicated that it was a risk he was willing to accept.

I suppose it's possible that Hoover, who may have been a homosexual, resented King's wide-ranging heterosexuality. I know continent black people who wish they had never heard of the saint's incontinency. I would never have been the first to tell them. But I can't believe that even the most unfaltering bureaucratic investigator, or the most vicious conspiracy racketeer, is capable of believing that in 1968 J. Edgar Hoover conspired with James Earl Ray, or used Ray as a patsy, in the murder of King.

Too Many Cooks?

Certainly these well-heeled new investigators will have much to say about how wily, ruthless old Percy Foreman "overrode" an innocent Ray or "used" Ray and "forced" him to plead guilty. Whenever the investigators do this, they will only be mouthing Stoner's old charges, and they will be far from the truth.

After becoming Ray's attorney of record, Foreman's first action in Ray's behalf could have resulted in an enormous advantage for Ray in a trial in which he pleaded not guilty.

Whenever a famous defense lawyer (continued on page 56)

THE ONE AND ONLY

(continued from page 27)

enters a case in a state where he is not a member of the bar, his first action should be to try to associate with a respected member of the local bar. Then, in the conduct of the trial, the famous "outside" lawyer should try to share the publicity and the courtroom activity with his associate. Otherwise the famous lawyer may arouse hostility in the jury and damage his client's chances.

Foreman went to Nashville and persuaded Tennessee's most famous criminal lawyer, the late John Hooker, to associate with him in defending Ray. Hooker had successfully prosecuted Jimmy Hoffa for jury-tampering at Chattanooga. John Hooker's associating with Percy Foreman in defense of James Earl Ray would have given Ray an incalculable advantage; and it was to give him this advantage, and to bring Hooker into the case, that I advanced the \$10,000 to Foreman.

Foreman went back to Memphis and informed Ray of his great good fortune. And Foreman and I were startled beyond belief when Ray flew into a rage and shouted, "John Hooker'll never defend me!"

Now remember, this was a lifelong criminal who yearned to be defended by "a battery of famous lawyers," and he was rejecting the most famous lawyer in Tennessee. Why? In the election of November 1968, Hooker's son, John Jay Hooker, the Democratic nominee for governor of Tennessee, was defeated. And here is James Earl Ray's shouted reason for refusing to be defended by the father of John Jay Hooker:

"John Hooker'll never defend me! His son running for governor got the vote of ever' damn nigger in Tennessee!"

Those words, too, should be enlarged and displayed in the Washington offices of the congressmen and bureaucrats who are wasting those millions on a new investigation.

The following day Ray further instructed Foreman in the conduct of his defense. "You don't need no associates. In the recent election 40 percent of the voters in Shelby County (Memphis) voted for Nixon. Thirty-five percent voted for Wallace. Nobody but niggers voted for Humphrey. Now don't tell me that a white man or woman who voted for Nixon or Wallace is ever gonna vote to convict James Earl Ray!" (About that same time Ray's two brothers told me, "That Jimmy! All his life...ever' time he thinks about a nigger he goes wild...wild...wild! Thinking about niggers drives him crazy!")

Foreman then reached some well justified conclusions. Ray was an unstable racist who could not be controlled in a trial in which he pleaded not guilty. He was a "jailhouse lawyer" who wanted to conduct his own defense, as he had done in the most disastrous (for him) of his previous trials. In a trial pleading not guilty to the murder of King, Ray would be his own number-one lawyer; Stoner in absentia would be Ray's number-two lawyer, and Foreman would proceed at their direction. What honest lawyer with a choice, pleading Ray not guilty of the murder of King, and acting in Ray's best interest, would call Ray as a witness in his own defense? And without Ray as a witness, how could he be pleaded not guilty?

skeptic

It was at this point that Foreman informed Ray that he would go to trial with him only on a plea of guilty, with a written script. But this doesn't mean that Foreman "overrode" Ray. Foreman had been overridden by Ray. Foreman had the same right to withdraw from the case as Ray had to discharge him. And another lawyer was standing by who, if Ray insisted on pleading not guilty and testifying in his own defense, had no choice but to defend Ray under Ray's direction.

When Ray discharged Hanes and engaged Foreman only a week before the first date set for his trial, the trial judge was compelled to postpone the proceedings in order to give Foreman time to prepare a defense. What was to prevent Ray from repeating this lawyer-changing act and thereby delaying the trial again?

In granting the postponement for Foreman, the trial judge ordered the public defender to associate with Foreman, to prepare a defense, and to be ready to go to trial if Ray should discharge Foreman. This was done. So when Foreman advised Ray to plead guilty and avoid a probable death sentence, Ray was not without a choice. He could still have gone to trial, pleaded not guilty, taken the stand in his own defense and said whatever he chose to say, on his own and under the guidance of the public defender. (It has been done before; Chessman, among others, did it.)

Used and Abused

My last contact with Ray was about two years ago. I appeared on a TV program in Nashville to argue with one of several lawyers who followed Stoner in trying to publicize themselves with concoctions about how Ray was "the patsy" in Martin Luther King's murder. The warden at the Tennessee state penitentiary allowed Ray to watch the argument between the lawyer and me, and to join the argument by telephone. Viewers could hear but not see him.

The lawyer described how "they" decided to murder Dr. King; how "they" hired professional killers for \$250,000; and how these clever professionals used a stupid Ray, who didn't know what was happening, as the patsy.

Ray mumbled that this was true.

"You're slandering Ray," I said to the lawyer. "He's an enemy of human society but he isn't stupid. Never in

his criminal career has he been on the scene during the commission of a crime when he didn't know what was happening. So here and now I'm offering him my financial help, and my file in this case, in a suit against you for slander."

The lawyer expected Ray to denounce me. But Ray felt so grateful to me for defending him against his new defense lawyer that he said nothing.

Reflecting on Ray almost nine years after he murdered King, I'll have to say that even though, to date, I've lost altogether about \$40,000 in this case, I have more respect for him than I have for the conspiracy racketeers who have tried to use him to their own advantage.

Forced to choose between a murderer and a panderer, I'll support the murderer every time. ♪